



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,930	12/06/2001	John P. Del Favero JR.	PROQP004	9296

22434 7590 06/17/2004

BEYER WEAVER & THOMAS LLP  
P.O. BOX 778  
BERKELEY, CA 94704-0778

EXAMINER
----------

NGUYEN, MERILYN P

ART UNIT	PAPER NUMBER
----------	--------------

2171

DATE MAILED: 06/17/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/006,930

Applicant(s)

DEL FAVERO ET AL.

Examiner

Merilyn P Nguyen

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: Detailed action.

***DETAILED ACTION***

1. Claims 1-33 are pending in this office action.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, the preamble discloses a method for formulation of queries. However, the body of the claim does not describe how to formulate those queries.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-11 and 23-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Wilson (US 6,460,031).

Regarding claims 1-7 and 29-32, Wilson discloses a method for formulation of queries for use in accessing information from a knowledge base (See col. 2, line 55-67), said method comprising:

- (a) displaying a first menu list of words or phrases (See col. 3, lines 1-3);
- (b) receiving a first selection of at least one of the words or phrases in the first menu list (See col. 3, lines 1-5); and
- (c) obtaining a second menu list of words or phrases based on the first selection of at least one of the words or phrases in the first menu list (See col. 3, lines 5-10).
- (d) receiving a second selection of at least one of the words or phrases in the second menu list (See col. 5, lines 53-60) as per claim 3.
- (e) formulating a query from at least the first selection and the second selection (See col. 6, lines 20-44) as per claims 4 and 9.

wherein said obtaining (c) comprises dynamically generating the second menu list based on the first selection of at least one of the words or phrases in the first menu list (See col. 3, line 4-5) as per claims 2, 7, and 30.

wherein the query is a natural language phrase, sentence or question (See col. 2, lines 65-67, and col. 6, lines 39-44) as per claims 5-6 and 31-32.

Regarding claim 8, Wilson discloses said obtaining (c) comprises selecting the second menu list from a plurality of predetermined menu lists based on the first selection of at least one of the words or phrases in the first menu list (See Fig. 4, and col. 5, lines 39-60).

Regarding claim 10, Wilson discloses (f) displaying the query produced by said formulating (e) (618, Fig. 6).

Regarding claim 11, Wilson discloses wherein said formulating (e) comprises concatenating the first selection and the second selection together to form at least a portion of the query (See Fig. 6).

Regarding claim 33, Wilson discloses whereby the phrase, sentence or question is form through menu selections of words or phrases and thus without having to enter individual characters therefor (See Fig. 4, and col. 5, lines 39-60).

Regarding claim 23, Wilson discloses a method for retrieving information from a knowledge base for a user, said method comprising:

(a) constructing a natural language query from a series of user word or phrase menu selections, the series of user word or phrase menu selections being associated with a series of menus that are presented to user (See Figs. 4, 5, 6, and col. 5, line 39 to col. 6, line 44);

(b) processing the natural language query to obtain a response from the knowledge base (See col. 6, line 57 to col. 7, line 15); and

(c) displaying the response the user (See col. 7, lines 15-16).

Regarding claims 24 and 26, Wilson discloses a method for retrieving pertinent information from a data source for a user, said method comprising:

- (a) displaying an initial menu of words or phrases (See col. 5, lines 61-54);
- (b) receiving an initial user menu selection of at least one of the words or phrases of the initial menu (See col. 5, lines 64-66);
- (c) obtaining a subsequent menu of words or phrases based on the s initial user menu selection (See col. 5, line 66 to col. 6, line 2);
- (d) displaying the subsequent menu of words or phrases See col. 5, line 66 to col. 6, line 2);
- (e) receiving a subsequent user menu selection of at least one of the words or phrases of the subsequent menu (See col. 6, lines 2-3);
- (f) displaying an initial query in accordance with at least the to subsequent user menu selection (See col. 4, lines 42-49, also Fig. 6, and col. 6, line 17-44);
- (g) determining whether additional user menu selections are desired or needed (See Col. 6, lines 17-44);
- (h) repeating said obtaining (c) through said displaying (f) until said determining (g) determines that no additional user menu selections are is desired or needed, wherein an updated query is displayed by said displaying (f) in accordance with at least the plurality of the subsequent user menu selections (See 618, Fig. 6, and Col. 7, lines 9-15);
- (i) obtaining a response to the updated query (See Col. 7, lines 9-15); and
- (j) presenting and displaying the response to the user (See col. 7, lines 15-16).

Regarding claim 25, Wilson discloses wherein said obtaining (i) comprises:

- (i1) forming a request for the response to the updated query (See col. 7, lines 9-14);

(i2) transmitting the request to a remote server from which the response is obtained (See col. 7, lines 13-15); and

(i3) receiving the response from the remote server (See col. 7, lines 15-16).

Regarding claim 27, Wilson discloses wherein the words or phrases in the initial menu are concepts (See Fig. 6).

Regarding claim 28, Wilson discloses wherein the initial query and the updated query are natural language queries (See col. 2, lines 65-67, and col. 6, lines 39-44).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 12-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson (US 6,460,031), in view of DeLorme (US 5,948,040).

Regarding claims 12, 17, and 19, Wilson discloses all the claimed subject matter as set forth above in claims 1-5. However, Wilson is silent as to use a mobile computing device to operate the method of claims 1-5. On the other hand, DeLorme discloses a mobile computing device using menus to generate queries (See 907, Fig. 9B, and col. 71,

Art Unit: 2171

line 61 to col. 72, lines 3, and also see the abstract, DeLorme et al.). Since Wilson uses computer system to operate the method of formulating queries using menus. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to include a mobile computing device in the system of Wilson. The motivation would have been to enhance the flexibility and convenience of the system so that the system can be used anywhere.

Regarding claim 13, Wilson/DeLorme discloses wherein the user word or phrase menu selections with respect to earlier of the menus of the series of menus affects the particular words or phrases in subsequent of the menus of the series of menus (See Fig. 6, Wilson et al.)

Regarding claim 14, Wilson/DeLorme discloses wherein the one or more phrases, sentences or questions being constructed by said constructing (b) are natural language phrases, sentences or questions (See col. 2, lines 65-67, and col. 6, lines 39-44, Wilson et al.).

Regarding claim 15, Wilson/DeLorme discloses (c) displaying the one or more phrases, sentences or questions from said constructing (b) (See col. 4, lines 42-49, also Fig. 6, and col. 6, line 17-44, Wilson et al.);

Regarding claim 16, Wilson/DeLorme discloses wherein said displaying (c) operates to incrementally update the one or more phrases, sentences or questions being



Art Unit: 2171

displayed as each of the series of user word or phrase menu selections are individually made (See col. 7, lines 9-15, Wilson et al.).

Regarding claim 18, Wilson/DeLorme discloses wherein at least adjacent ones of the menus in the series of menus have a grammatical and/or contextual relationship (See Fig. 4, Wilson et al.).

Regarding claim 20, Wilson/DeLorme discloses wherein said constructing (b) operates to construct the one or more phrases, sentences or questions based on the series of user word or phrase menu selections and based on one or more of user selection history, user preferences, content or application (See col. 5, lines 1-10, Wilson et al.).

Regarding claim 21, Wilson/DeLorme discloses wherein the series of menus are predetermined (See col. 5, lines 42-60, Wilson et al.).

Regarding claim 22, Wilson/DeLorme discloses wherein a plurality of the menus in the series of menus are dynamically determined in response to menu selections (See col. 3, line 4-5, Wilson et al.).

### ***Conclusion***


5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nishibori U.S Patent No. 5,977,948 discloses input processing system for characters.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marilyn P Nguyen whose telephone number is 703-305-5177. The examiner can normally be reached on M-F: 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

  
MN  
June 13, 2004

  
SAFET METJAHIC  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100